

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOHN E. ERICKSON and SHELLEY A.)
ERICKSON, husband and wife; SHELLEY'S)
TOTAL BODYWORKS DAY)
SPA/SHELLEY'S SUNTAN PARLOR, a sole)
proprietorship,)
Plaintiffs,)
v.)
LONG BEACH MORTGAGE CO.,)
WASHINGTON MUTUAL BANK and CHASE)
BANK, Agent for Deutsche Bank National Trust,)
Servicing Agent for Chase Bank, Loan No.)
0697646826,)
Defendants.)
No. 2:10-cv-1423
Clerk's Action Required

TO: Clerk, United States District Court for the Western District of Washington

AND TO: Plaintiffs John E. Erickson and Shelley A. Erickson; Shelley's Total Bodyworks Day Spa/Shelley's Suntan Parlor

Defendants Deutsche Bank National Trust Company ("Deutsche Bank"), as Trustee for Long Beach Mortgage Loan Trust 2006-4, and JPMorgan Chase Bank, N.A. ("Chase") — improperly captioned as "Chase Bank" — as acquirer of certain assets and liabilities of Washington Mutual Bank (which was the successor-in-interest to Long Beach Mortgage Company), from the Federal Deposit Insurance Corporation, acting as Receiver for Washington Mutual Bank (collectively, Deutsche Bank and Chase are referred to herein as "Defendants"), hereby remove the above-captioned cause, originally filed in the Superior

NOTICE OF REMOVAL — 1
DWT 15307379v1 0036234-000059

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1 Court of the State of Washington in and for King County, to the United States District Court
2 for the Western District of Washington. Defendants remove the case pursuant to 28 U.S.C. §§
3 1441 and 1446, on the grounds set forth below:

4 1. On August 11, 2010, Plaintiffs filed this action in the Superior Court of the
5 State of Washington in and for King County under Cause No. 10-2-29165-2. Defendants
6 received a copy of the Complaint via certified mail on August 17, 2010. This Notice of
7 Removal is timely under 28 U.S.C. § 1446(b) as it is being filed within 30 days of receipt of
8 the Complaint. A copy of the complete state court record is attached as Exhibit A to the
9 Verification of State Court Records, which will be filed within ten days of the filing of this
10 Notice of Removal, as required by 28 U.S.C. § 1446(a) and Local Civil Rule 101(b) for the
11 Western District of Washington.

12 2. The Complaint alleges causes of action under the Racketeer Influenced and
13 Corrupt Organizations Act (“RICO”) (Complaint, pp. 11; 15), 18 U.S.C. § 1964, the Money
14 Laundering Act, 18 U.S.C. §§ 1956-1957 (Complaint, p.17), and the Truth in Lending Act
15 (“TILA”), 15 U.S.C. § 1601 (Complaint, pp. 7-10). Thus, this is a civil action over which this
16 Court has original jurisdiction under 28 U.S.C. § 1331.

17 3. This action may be removed to this Court pursuant to the provisions of 28
18 U.S.C. § 1441(b) because it is a civil action founded on a claim or right arising under the laws
19 of the United States. This action is removable without regard to the citizenship or residence
20 of the parties.

21 4. Removal is proper to the Western District of Washington at Seattle because the
22 district and division embrace King County, Washington.

23 5. All state law claims asserted by Plaintiffs in their Complaint relate to and arise
24 from the same nucleus of operative facts as the federal questions. The state law claims do not
25 raise novel or complex state law issues, and do not substantially predominate over the federal
26 claims. Accordingly, pursuant to 28 U.S.C. §§ 1337(a) and 1441(c), this Court has
27 supplemental jurisdiction to hear and decide all claims asserted by Plaintiffs in the Complaint.

6. Defendants will promptly file a copy of this Notice of Removal with the Clerk of the King County Superior Court.

WHEREFORE, Defendants respectfully give notice that the above-entitled action is removed from the King County Superior Court to the United States District Court for the Western District of Washington at Seattle.

DATED this 2nd day of September, 2010.

Davis Wright Tremaine LLP
Attorneys for Deutsche Bank National Trust
Company and JPMorgan Chase Bank, N.A.

By s/Josh Rataezyk

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CERTIFICATE OF SERVICE

I declare under penalty of perjury that on September 2nd, 2010, I caused a copy of the foregoing Notice of Removal to be served upon the Plaintiffs:

John E. Erickson and Shelley A. Erickson (X) By U. S. Mail
5421 Pearl Ave. SE () By E-Service
Auburn, WA 98092 () By Facsimile
 () By Messenger

DATED at Seattle, Washington this 2nd day of September, 2010.

s/ Josh Rataezyk
Josh Rataezyk